

SRA Transparency Rules - *Service and fees information - bringing and defending unfair dismissal and wrongful dismissal claims.*

Our specialist employment lawyers - Mike Hornsby and Michael Lane, provide a broad range of services in the field of employment law for both businesses and individuals.

Many of our clients retain us to advise them; guide them; and to provide both legal and related commercial advice on a regular basis; and, in such circumstances, we are happy to agree individual service level agreements and individual arrangements in relation to costs, having regard to the type of work and individual client's requirements.

We will always be transparent as to the basis on which services are provided and fees charged so that a client does not have to worry about unexpected or unforeseen events and charges.

In accordance with the Solicitors Regulation Authority Transparency Rules every firm of solicitors is required to provide on its website details of the services that it provides and the costs that can be anticipated by individuals and small businesses in making or defending claims for unfair dismissal or wrongful dismissal before an Employment Tribunal.

The following information is provided in order to provide an understanding of the way in which costs are calculated. We would encourage you to speak to us to discuss the details of your case/requirements. We will then be able to provide you with specific information concerning our services and likely costs.

Unless otherwise agreed with you, our fees for advising will be based on an hourly charge rate which will be fixed having regard to the individual lawyer who is assigned to work on your case, the urgency of the case, and the complexity of the case. Our current hourly rates for Mike Hornsby and Michael Lane range between £225 and £250 per hour plus VAT.

Please note that other funding options may be available, including legal expenses insurance, to pay all or part of your legal fees. We will advise you on this at the start of your case.

The services that we provide in relation to bringing and defending claims for unfair and/or wrongful dismissal include:

- Taking your initial instructions, reviewing the papers and advising you on merits and likely compensation (this is likely to be revisited throughout the matter and subject to change);
- Advising on disciplinary/grievance/appeals processes;
- Entering into pre-claim conciliation where this is mandatory to explore whether a settlement can be reached;
- Preparing claim or response;
- Reviewing and advising on claim or response from other party;
- Exploring settlement and negotiating settlement throughout the process;

- Preparing or considering a schedule of loss;
- Preparing for (and attending) a Preliminary Hearing;
- Exchanging documents with the other party and agreeing a bundle of documents;
- Taking witness statements, drafting statements and agreeing their content with witnesses;
- preparing bundle of documents;
- Reviewing and advising on the other party's witness statements;
- Agreeing a list of issues, a chronology and/or cast list;
- Preparation and attendance at Final Hearing, including instructions to Counsel

The total costs of bringing or defending an unfair dismissal or wrongful dismissal claim will depend upon many factors, including:

- The stage at which the case is settled;
- If the case is pursued to a full hearing – the length of the hearing;
- Whether or not the case can be dealt with at one hearing;
- Whether both parties are represented by lawyers; -
- Whether it is necessary to make or defend applications to amend claims or to provide further information about an existing claim;
- The number of documents being relied upon;
- Whether the case involves complex preliminary issues;
- Whether the case involves issues other than unfair dismissal or wrongful dismissal. .

The legal costs that you may incur, if you instruct us in relation to a claim, or potential claim, for unfair dismissal and/or wrongful dismissal can range from:

- no cost - if, for example, you have the benefit of legal expenses insurance or you simply wish to have a brief telephone conversation with us to identify whether or not you may wish to instruct us on a more formal basis, or if you are an employee and your employer is willing to settle your case under the terms of a Settlement Agreement; to
- a few hundred pounds - if you simply wish to take an hour, or a few hours' advice in order to understand and analyse your case, to consider the options available to you - or, perhaps, to obtain assistance with initial correspondence;
- a few thousand pounds - if you wish to make or defend a claim before a tribunal - and either the case is very straightforward or it settles always withdrawn at a relatively early stage;
- at the top end, a significant amount of money - possibly tens of thousands of pounds, if the case is complex and/or time-consuming in terms of documents and evidence, and is not completed until the end of a long Employment Tribunal hearing.

An "average" unfair dismissal or wrongful dismissal case is often anticipated to cost in the region of £10,000 plus vat to take through to a 1 day Employment Tribunal hearing but every case is different.

This “average” should be not be regarded as applying to your case and it is for this reason that we provide our clients with estimates on an individual basis.

In addition there may be certain expenses (known as disbursements) that you may be liable to pay.

Tribunal issue fees are no longer payable, so the most usual disbursements incurred are:

- travel expenses - if you require us to travel to meetings or to tribunal hearings we charge the cost of public transport at cost and mileage at 50p per mile plus VAT. if we travel by car;
- Counsel’s fees - if you require us to obtain a barrister’s opinion at any stage of your case, or a barrister is used to undertake the advocacy at any hearing. This will always be agreed with you in advance.

Counsel’s fees will vary depending upon the individual that has instructed. Very junior barristers may be willing to provide advice or attend a hearing from the in the region of £500 plus VAT, but to instruct one of the leading employment law QC’s to attend a long trial would obviously be very significantly more expensive. For Counsel to attend a Tribunal hearing at the level of what might be described as an average case you should anticipate incurring fees at a daily rate of between £1500 and £3,000 per day.

*How long will my matter take?*

The time that it takes from taking your initial instructions to the final resolution of your matter depends largely on the stage at which your case is resolved.

In some cases, all that is required is an initial analysis of the case and advice. We will always try to provide this promptly and to be available immediately where the advice is required urgently.

Many claims can be settled or resolved with pre-tribunal correspondence or through the tribunal’s early conciliation service. In such cases claims are often resolved within (very approximately) 1 to 3 months.

If your claim proceeds to a Final Hearing, the length of time from start to finish will often largely depend upon the Employment Tribunal’s workload and how quickly they can make sufficient time available. This can vary considerably and may depend upon factors that are entirely unrelated to your particular case. For example, when Tribunal issue fees were removed, in 2017, a significantly larger number of cases were issued within a short period and waiting time for Tribunal hearings meant that it was not uncommon for cases that reached a hearing to take a minimum of 12 months.

We will of course, provide you with more relevant and helpful information as to timescales at the start of your case and as the matter progresses.